

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-1192

United States of America,

Appellee,

v.

William Jude Hart,

Appellant.

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Appeal from the United States
District Court for the District
of North Dakota.

[UNPUBLISHED]

Submitted: December 7, 1999

Filed: January 6, 2000

Before HANSEN, HEANEY, and FAGG, Circuit Judges.

PER CURIAM.

William Jude Hart appeals his conviction and sentence as a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Hart's counsel filed a brief under Anders v. California, 386 U.S.738 (1967). We affirm.

Having reviewed the record, we conclude the government met its burden of proof. Specifically, Hart stipulated to his status as a convicted felon, three eyewitnesses testified they saw him possess a gun and fire shots at an individual, and a law enforcement official testified Hart's gun and ammunition were not manufactured

in North Dakota. See United States v. Anderson, 78 F.3d 420, 422 (8th Cir. 1996). We also reject Hart's meritless claims pertaining to the grand jury proceedings, pretrial publicity, judicial bias, and offers of leniency by the government in exchange for testimony. Finally, we conclude the district court did not abuse its discretion in departing upward based on its finding that Hart's criminal history category did not adequately reflect the seriousness of his past criminal history or the likelihood that he would commit other crimes. See United States v. Washington, 109 F.3d 459, 462 (8th Cir. 1997).

After review of counsel's Anders brief, along with our independent review required by Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. We thus affirm Hart's conviction and sentence, deny his motion to supplement the record, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.